

#### REMARKS

In the present Office Action, claims 1, 3-10, and 12-21 were pending before the Office. Of these, claims 1, 7, 10, and 18 were the only independent claims.

Claims 1, 3-6, 14, 15, and 17 were rejected under 35 U.S.C. § 102(e). Claims 7-10, 12-13, 16, and 18-21 were rejected under 35 U.S.C. § 103(a).

No claims are hereby added, amended, canceled, or withdrawn. Reconsideration is respectfully requested.

#### A. CLAIM REJECTION UNDER 35 U.S.C. § 102

Claims 1, 3-6, 14, 15, and 17 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application No. 2004/0081167 by Hassan-Ali et al. [hereinafter *Hassan-Ali*]. Applicant respectfully traverses this rejection.

Regarding dependent claims 14, 15, and 17, these claims were rejected under 35 U.S.C. § 102(e) while independent claim 10 (upon which each of these dependent claims ultimately depends) was rejected under 35 U.S.C. § 103(a). A dependent claim necessarily contains all of the features of the claim upon which it depends. Accordingly, Applicant respectfully submits that it is logically impossible for a dependent claim to lack novelty while the claim upon which it depends is novel. Applicant respectfully submits that the rejection of dependent claims 14, 15, and 17 is clearly erroneous.

Independent claim 1 recites, inter alia

transmitting data from the selected pipe flow  
using a bandwidth corresponding to the  
winning pipe flow.

Applicant submits that *Hassan-Ali* fails to disclose at least the above-recited feature. Specifically, *Hassan-Ali* fails to

disclose transmitting using a bandwidth corresponding to the winning pipe flow.

The Office action cites one illustrated feature (reference character 1222) and one corresponding paragraph (72) for disclosing transmitting using a bandwidth corresponding to the winning pipe flow. However, that paragraph merely recites:

A two-dimensional arbitration mechanism 1220 is thereafter employed for selecting an overall winner among the six nominees. In one exemplary embodiment, the arbitration block 1220 is provided as a CoS-aware, TS-based Priority Round Robin (PRR) mechanism that is operable to select a winner FID 1222 based on service category as well as the time stamp data. Thus, the arbiter 1220 not only determines whether a cell with higher service priority is ready to be serviced in the current time slot, but it also attempts to send a cell having the lowest time stamp as compared to a global time variable.

This paragraph does not make any mention of transmitting using a bandwidth corresponding to the winning pipe flow. Rather it only discloses selecting a winner flow. Accordingly, Applicant respectfully submits that *Hassan-Alli* fails to disclose all of the features of independent claim 1. Withdrawal of the rejection is respectfully requested.

Regarding the rejection of claims 3-6, these claims depend directly or indirectly on independent claim 1, and are therefore believed to be allowable for at least the reasons noted above.

#### **B. CLAIM REJECTION UNDER 35 U.S.C. § 103**

Claims 7-10, 12-13, 16, and 18-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Hassan-Alli* in view

of U.S. Patent Application No. 2004/0081157 to Hassan-Alli et al. [hereinafter *Hassan-Alli II*]. Applicant respectfully traverses this rejection.

Claim 7, 10, and 18 recite, respectively:

writing data regarding the pipe flow to a second calendar;  
a secondary calendar for storing pipe flows that are scheduled to be serviced; and  
write data regarding the pipe flow to the second calendar[.]

Applicant respectfully submits that neither *Hassan-Alli* nor *Hassan-Alli II* teach or suggest at least the above-recited features. Specifically, it is submitted that the citation to *Hassan-Alli II* fails to remedy the conceded deficiency of the citation to *Hassan-Alli*. Accordingly, without conceding the propriety of the asserted combination, the asserted combination of *Hassan-Alli* and *Hassan-Alli II* is likewise deficient, even in view of the knowledge of one of ordinary skill in the art.

The Office action concedes that "Hassan-Alli does not teach of writing data regarding the pipe flow to a second calendar." *Dec. 26, 2007 Office Action*, paragraph 16. The Office action contends that the citation to *Hassan-Alli II* discloses the above-recited feature. This contention is respectfully traversed.

As previously noted, *Hassan-Alli II* does not appear to mention even a second calendar, much less writing data regarding a pipe flow to a second calendar, or a secondary calendar for storing pipe flows that are scheduled to be serviced. Accordingly, Applicant respectfully submits that the proposed combination of *Hassan-Alli* and *Hassan-Alli II* fails to disclose all of the features of independent claims 7, 10, and 18. Withdrawal of the rejection is respectfully requested.

Regarding the rejection of claims 8, 9, 12, 13, 16, and 19-21, these claims depend directly or indirectly on one of independent claims 7, 10, or 18, and are therefore believed to be allowable for at least the reasons noted above.

### C. CONCLUSION

Since Applicant asserts that all the independent claims are in condition for allowance and all remaining claims properly depend from the independent claims, Applicant asserts that all claims are allowable.

Applicant does not believe a request for extension of time is required but if it is, please accept this paragraph as a request for an extension of time and authorization to charge the requisite extension fee to Deposit Account No. 09-0465. Applicant does not believe any additional fees are due regarding this amendment. However, if any additional fees are required, please charge Deposit Account No. 09-0465.

Respectfully Submitted,



Steven M. Santisi  
Registration No. 40,157  
Dugan & Dugan, PC  
Attorneys for Applicants  
(914) 579-2200

Dated: Feb. 26, 2008  
Hawthorne, New York